

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

DONNA HUMPHRIES,

Plaintiff,

vs.

PULASKI COUNTY SPECIAL SCHOOL
DISTRICT,

Defendant.

*
*
*
*
*
*
*
*
*

No. 4:06CV00606 SWW

Order

Before the Court is plaintiff's motion for leave to file a supplemental complaint to which defendant objects. Also before the Court is defendant's motion to exclude testimony of plaintiff's expert or, in the alternative, to extend the discovery deadline, plaintiff's motion for an extension of time to respond to defendant's motion for summary judgment, and plaintiff's motion for an extension of time in which to file a motion for summary judgment.

Plaintiff filed her original complaint on May 24, 2006, alleging race and age discrimination in hiring. She has been employed by the defendant as a counselor since the 1989-90 school year, and claims defendant has continually denied her applications for the position of assistant principal, the most recent in August 2005. Plaintiff asks the Court for permission to supplement her complaint to include allegations that she was denied assistant principal positions in the Summer of 2006 and the Spring of 2007, and was unlawfully denied a promotion to Director of Counseling Services in the Summer of 2007. Defendant objects to allowing plaintiff to add these new allegations, arguing the deadline for filing motions to amend the complaint has long since passed, and that granting the motion would necessitate a continuance of the trial because additional discovery would be required.

Defendant moves to exclude the testimony of plaintiff's expert or, in the alternative, to extend the discovery deadline. Defendant states plaintiff supplemented her discovery responses on August 24, 2007, disclosing her expert witness and attaching a report, including 200 pages of analysis and calculations. Defendant asks the Court to exclude the testimony of the expert, or to extend the discovery deadline, now set for September 27, 2007. In response, plaintiff states she complied with Fed.R.Civ.P. 26(a)(2)(C) by disclosing her expert and providing the expert's report 90 days prior to trial. Plaintiff further says the expert's report is 18 pages long and the additional pages are merely the statement of the expert's prior testimony, publications, and statistical data base used, as required by Fed.R.Civ.P. 26. Plaintiff states she has no objection to the extension of the discovery deadline.

Plaintiff moves for an extension of time to respond to the motion for summary judgment defendant filed on August 27, 2007, which defendant does not oppose, and for an extension of time to file a motion for summary judgment, which defendant does oppose.

The Court finds, in light of the status of discovery and plaintiff's desire to supplement her complaint with additional claims, that the trial of this matter, set for the week of November 26, 2007, should be continued. The Court will issue a revised scheduling order, setting new discovery and motions deadlines.

IT IS THEREFORE ORDERED that plaintiff's motions to file an amended/supplemental complaint [docket entries 23 and 27] are granted. Plaintiff is ordered to file her amended complaint within ten (10) days from the date of entry of this Order. Defendant's motion to preclude testimony by plaintiff's expert witness or, alternatively, to extend the discovery deadline [docket entry 35] is granted to the extent that a new discovery deadline will be set. Defendant's motion for summary

judgment [docket entry 32] is denied without prejudice, and the motions for extensions of time [docket entry 39 & 41] are denied as moot.

SO ORDERED this 13th day of September 2007.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE